

[Names and addresses of counsel appear on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI BOYKIN, VALERIE BROWN, RICK GONZALES, CYNTHIA GUERRERO, RACHEL HUTCHINS, TYRONE MERRITT, KELVIN SMITH, SR., and KEN STEVENSON, on behalf of themselves and all others similarly situated,

Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

**STIPULATION AND [proposed] ORDER
RE VARIOUS DISCOVERY MATTERS**

Plaintiffs.

V.

FEDEX EXPRESS, a Delaware corporation,

Defendant.

The parties, through their counsel, hereby stipulate as follows:

1. In its Order Granting-In-Part-And-Denying-In-Part Plaintiffs' Motions To Compel; Granting Plaintiffs' Motion for Sanctions dated October 10, 2006, the Court ordered the parties to meet and confer regarding Plaintiffs' reasonable attorneys' fees and costs incurred in connection with the portion of the Order for which the Court awarded sanctions against Defendant. The Court further ordered Plaintiffs to file any motion seeking to recover reasonable attorneys' fees and costs by no later than October 18, 2006. However, the attorney dealing with this issue for Plaintiffs suffered an injury late last week and was unable to work on this issue;

1 counsel for Defendant has been attempting to ensure compliance with the Court's Order regarding
 2 further production of documents and information to Plaintiffs. Because of the foregoing, the
 3 parties are still in the process of meeting and conferring on this issue, and will complete that
 4 process by October 19. In the event that the parties are unable to reach agreement, the parties
 5 stipulate that Plaintiffs shall file a motion for reasonable attorneys' fees and costs by October 20,
 6 2006.

7 2. The parties stipulate that Defendant FedEx shall produce the paper
 8 personnel files for the persons listed in the Willson Declaration by no later than October 25, 2006.

9 3. The parties stipulate that Defendant FedEx shall provide the Bates
 10 Numbers for Attachment 3 (or chart served with Defendant's responses to Plaintiffs' Second Set
 11 of Interrogatories), by no later than October 25, 2006.

12 4. Nothing in this stipulation limits or modifies Defendant's obligations to
 13 comply with any other aspect of the Court's Order of October 10, 2006.

14
 15 Dated: October 19, 2006

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16 Dated: October 19, 2006

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ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Dated: _____

Susan Illston
Hon. Susan Illston
United States District Judge